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SUBJECT: SRI LANKA: RECOMMENDED CONFLICT RESPONSE MECHANISM
FOR IDPS FACING HUMAN RIGHTS THREATS, POSSIBLE FORCED
REPATRIATION

11. Summary: During the last 20 years, Sri Lanka has been home to significant populations of internally displaced persons (IDPs), who have been especially vulnerable to threats against their physical and psychological wellbeing and livelihoods. Many of the 207,756 new conflict IDPs in Sri Lanka are facing these same vulnerabilities, especially lack of basic essential needs for food, water and shelter, but also for information about and protection of their human rights. Most recently, incidents of involuntary repatriation of IDPs has highlighted their vulnerabilities. In the context of growing displacement and human rights abuses, an improved mechanism for USG emergency assistance provision, namely a rapid response umbrella grant mechanism, is proposed. End summary.

HISTORIC VULNERABILITIES OF SRI LANKAN IDPS:

12. When the Cease Fire Agreement was signed in 2002, after over 20 years of violence, UN agencies had registered approximately 735,000 Internally Displaced People (IDPs) throughout Sri Lanka. By 2006, this number had dropped to around 317,000 since many had returned home during the three-year cessation of hostilities. The experience of these IDPs is instructive in understanding the conditions current IDPs are facing and will continue to face.

13. A short list of the protection and living concerns that IDPs have faced during the last two decades in Sri Lanka includes:--Unfulfilled requirements for basic living needs such as food, water, and shelter;
--Compromised health due to poor living conditions and limited or poor quality of health care;
--Loss of personal identification and documentation, contributing to loss of legal status and civil rights;
--Disrupted or otherwise limited opportunities for

education of children;
--Increased social and physical risks against women due to separation of families, lack of police protection in welfare centers, and increased incidence of domestic violence;
--Loss of livelihood opportunities due to displacement from means of livelihood (tools, workplaces, seashore) and presence in a new community as an outsider;
--Threats of forced recruitment of adults and youth by the Liberation Tigers of Tamil Eelam (LTTE) or its breakaway Karuna faction;
--High rates of alcohol and substance abuse among the unemployed male population;
--Sexual and gender-based violence and sexual exploitation of vulnerable women and children; and
--Increased prevalence of psycho-social and psycho-traumatic stress disorders.

CURRENT IDPS ACING SIMILAR VULNERABILITIES

¶4. From April to September 2006, fighting on several fronts in the North and East created a new wave of population displacement. The UN High Commission for Refugees (UNHCR) and the Government of Sri Lanka (GSL) GIS & Statistics Unit's public report of September 12, 2006 indicates approximately 207,756 people were displaced to locations within 11 administrative districts. (Note: Some organizations have expressed doubts about these figures, estimating that they may be exaggerated by as much as 25%. End note.)

¶5. Concomitant with this displacement has been a significant increase of human rights abuses, both against

COLOMBO 00001558 002 OF 004

IDPs and resident civilian populations. A major international organization noted that the number of incidents such as extrajudicial killings, beatings, and disappearances during the months of January to August 2006 are more than double the total figures for 2005. The most serious examples of these include a June 17 paramilitary unit attack with assault rifles and grenades on civilians hiding in a church in Mannar, the August 4-5 attacks on civilians as they fled Muttur, the August 5 killings of 17 ACF aid workers in Muttur, the August 14 aerial bombardment of a children's institution in Mullaitivu, the August 20 disappearance of a Catholic priest in Jaffna, islands, attacks on civilians as they fled Muttur, and the September 19 machete-inflicted deaths of 11 Muslim workers in Ampara. Regarding these events and others, many INGO and International Organization (IO) representatives have expressed concerns about a perceived attitude of impunity on the part of the GSL and other parties to the conflict. They also assert that no thorough investigations are taking place nor is anyone being held accountable for abusive actions taken in the field.

¶6. Red Cross, UN, and INGO sources report that recent IDP populations currently face several vulnerabilities: insufficient access to food, water and shelter; lack of adequate information on security conditions and locations where aid may be available; continued exposure to conflict (i.e., some IDPs especially those in Jaffna, remain trapped in high security zones with ongoing fighting and shelling); need for replacement identification documents including National Identity Cards; threats from recruitment activities of either or both the LTTE and Karuna factions; and ongoing war-related psychological trauma, especially for children. (Note: Sources for this report include ICRC, UNHCR, Mercy Corps, Christian Children's Fund, Catholic Relief Services, United Methodist Committee on Relief, and World Vision - all organizations that have been active and operational during recent IDP relief activities. End

Note.)

17. One prevalent dynamic of the current population displacement is an underlying difference in vulnerabilities based on ethnic lines. In the northern and eastern areas currently affected by conflict, there are three predominant ethnic groups: Tamils, Tamil-speaking Muslims, and Sinhalese. All of the INGOs interviewed for this report expressed views that there have been discernable differences in the aid response for each ethnic community, unofficially broken down as follows: The Government of Sri Lanka has provided aid to displaced Sinhalese groups almost exclusively. Muslim IDPs have been provided aid primarily through their own network of local Muslim NGOs, with some INGO support. Tamil IDPs have often been out of reach of Government or INGO aid as many have been displaced into LTTE-controlled areas, or have taken refuge with relatives in various parts of the country. The INGOs seem to agree that Tamil IDPs have the greatest vulnerabilities, as they are subject to abduction and recruitment from LTTE and Karuna forces, and they are subject to suspicion and reprisals from the predominantly Sinhalese government forces.

COERCED REPATRIATION OF MUTTUR IDPS

18. In June approximately 40,000 IDPs fled to the Muttur area south of Trincomalee area to take refuge in the area around Kantale, where services for food, water and shelter were quickly organized (reftel Colombo 01293). INGOs and UN Agencies providing aid to the Kantale IDPs

COLOMBO 00001558 003 OF 004

reported that most people were unwilling to quickly return out of fear of ongoing violence and lack of assistance in Muttur. During the week of September 6-11, the GSL very quickly organized a convoy of 60 buses to transport IDPs from the Kantale camps back to Muttur. UN and INGO accounts of this action indicate that most IDPs were compelled if not forced to get on the buses and return. The coercion to depart Kantale included both physical intimidation from armed forces as well as the official stoppage of essential NGO services such as food and water distribution in the camps.

19. On September 13, UN and INGO agencies conducted a joint needs assessment in Muttur town and surrounding environs. Informal reporting from this assessment indicated that the Muttur returnees are facing these challenges: many homes were damaged or destroyed by fighting and shelling and there are requirements for emergency or transitional shelter; there is a threat of unexploded ordinances and possibly landmines in civilian residential areas; threats remain from the spillover of ongoing conflict in neighboring areas of Sampur and Maavilaru; agricultural crops have been damaged by troop and animal movements; essential services such as water, electricity, policing, and schools have not resumed; the returnees and especially children are suffering from psychological fears and traumas from fighting, shelling and their recent displacement; Tamil returnees are particularly vulnerable to possible retributive attacks and most report not feeling safe about returning to live in Muttur Town.

110. At this point, currently no UN or INGO agencies are operational or providing services in Muttur. Though this will likely change soon, agencies express concerns about anti-NGO sentiments and the security environment in the wake of the killing of 17 local ACF workers and continued fighting in neighboring areas. With Muttur, as in general in the North and East, humanitarian agencies continue to indicate that restricted access remains their greatest challenge in responding to the needs of IDPs and the recently returned population. These challenges are

greatest for agencies seeking to work in LTTE-controlled areas, as well as for the Jaffna Peninsula which remains isolated from land access, and is accessible by sea only with special permission from each party to the conflict.

IDENTIFYING AN EFFECTIVE CONFLICT/IDP RESPONSE MECHANISM

¶11. The dramatic increase in incidents of population displacement and localized episodes of human rights abuse suggest the need for a robust response by the United States Government. The episodic, geographically diverse, and ethnically complicated nature of these incidents, however, poses significant challenges to mounting an effective and systematic humanitarian response. Many of the agencies interviewed for this report were asked the question, "How can the US be more effective in meeting the needs of IDPs, returnees and at-risk civilian populations?" With slight variations, almost all agencies indicated the elements of what would be a recommended effective response mechanism: capability for rapid response to episodic conflict-related disruptions, flexibility to quickly adjust programming within sector areas or among geographic locations as required by identified needs, and utilization of local field knowledge, trust and access to IDPs and vulnerable populations. In the words of one NGO representative, there is a need for a mechanism that moves beyond "one incident - one proposal."

COLOMBO 00001558 004 OF 004

¶12. Considering these recommendations, USAID Sri Lanka envisions the development of an OFDA-funded conflict emergency umbrella mechanism managed by a leading INGO. This mechanism might be structured as follows: an INGO with predominant relief and sub-grant capability, experience with the Sri Lankan environment, and established access in conflict areas would be selected through an Annual Program Statement process. This INGO would be awarded an estimated amount of 3-5 million USD to establish a one-year umbrella response mechanism for conflict response activities including needs assessments, non-food-relief item distribution, emergency shelter, water/sanitation, emergency primary health care, protection activities, and psycho-social interventions. The INGO grantee could respond on its own and also support local NGOs to address service needs directly through rapid in-country decision making. The INGO grantee would liaise both with the OFDA Regional Advisor and USAID Sri Lanka Mission Humanitarian Program Manager.

CONTINUING ADVOCACY WITH CONFLICT PARTIES

¶13. In addition to providing recommendations on enhancing the US Government's response mechanisms, the interviewed agencies expressed views that the United States and other foreign missions and donor agencies continue advocacy efforts to protect rights of civilians including IDPs, to insist that armed forces make every effort to prevent or limit civilian casualties, to insist the GOSL allow for humanitarian corridors both for civilian populations to escape conflict as well as for aid to reach the affected, and that combatant parties respect the rights of IDPs to make their own decisions on movement and return based on their preferences and perceptions of their personal safety.

¶14. Lastly, given reports indicating discrepancies and variances in GSL assistance to communities according to ethnicity, the INGOs recommend continued advocacy with the GSL to provide aid and protection to all of its citizens and victims of the conflict with impartiality and regardless of ethnicity.

RECOMMENDATIONS:

¶15. USAID Sri Lanka requests USAID/OFDA to assess the feasibility and funding capability to establish an emergency conflict response mechanism as described above in paragraph 11.

¶16. The Mission will continue to press the GSL on the protection of the physical and human rights of civilians, including conflict IDPs, on the impartial provision of official assistance to all conflict-affected civilians in Sri Lanka regardless of ethnicity, and on the facilitation of humanitarian access and operational space to UN, Red Cross, and INGO agencies to provide essential humanitarian assistance to all populations in need.
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